

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE, BY PURCHASE OR CONDEMNATION, CERTAIN PROPERTY FOR RIGHT-OF-WAY FOR THE CONSTRUCTION OF AND/OR IMPROVEMENTS TO ELDORADO PARKWAY, FROM INDEPENDENCE PARKWAY TO APPROXIMATELY 1300 FEET EAST OF INDEPENDENCE PARKWAY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR RIGHT-OF-WAY FOR ELDORADO PARKWAY, FROM INDEPENDENCE PARKWAY TO APPROXIMATELY 1300 FEET EAST OF INDEPENDENCE PARKWAY; AUTHORIZING THE CITY MANAGER OF THE CITY OF FRISCO, TEXAS TO ESTABLISH PROCEDURES FOR ACQUIRING THE PROPERTY BY PURCHASE OR CONDEMNATION; APPROPRIATING FUNDS; MAKING OFFERS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:**

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") investigated and determined that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of right-of-way on the parcel of property described in Exhibit "A" and depicted on Exhibit "B", attached hereto and incorporated herein for all purposes (the "Property"), and it is the City of Frisco, Texas' ("Frisco") intent to acquire, by purchase or condemnation, the necessary right-of-way on the Property for the purpose of, among other things, the construction, access, repair and maintenance of public facilities, specifically, the right-of-way for the construction of and/or improvements to Eldorado Parkway, from Independence Parkway to approximately 1300 feet east of Independence Parkway (the "Project"); and

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the right-of-way to be acquired for the Project; and

WHEREAS, there may be improvements located on the Property acquired for this Project and such improvements may be required to be moved prior to the beginning of this Project.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRISCO TEXAS:**

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: Acquisition of Property. The City Council hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the

acquisition of the Property, and it is Frisco's intent to acquire, by purchase or condemnation, the Property described in Exhibit "A" and depicted on Exhibit "B" attached hereto, for the Project.

SECTION 3: Authority of City Manager. The Frisco City Manager is hereby authorized to contract, on behalf of the City Council, with professional appraisers for appraisal services and with attorneys for preparation of title opinions needed by Frisco from time to time in connection with acquiring the Property for the Project. The City Council hereby ratifies any contracts entered into, prior to the effective date of this Resolution, by the City Manager with professional appraisers for appraisal services and with attorneys for preparation of title opinions needed for the acquisition of the Property made the subject of this Resolution.

SECTION 4: Determination of Just Compensation. The City Manager, or his designee, is hereby authorized and directed to examine and rely on the independent appraisal reports, and other information, in establishing and approving the fair market value offer and the just compensation for said right-of-way. After consideration of said information, the City Manager shall establish and approve the amount determined to be just compensation for acquisition of the right-of-way.

SECTION 5: Authority to Make an Offer. Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the Property, the City Manager, or his designee, is authorized to send a written offer to the owner(s) of said Property for acquisition of said right-of-way at the full amount determined and established to be just compensation for the parcel, and to negotiate with said owner(s) on behalf of Frisco.

SECTION 6: Authority to Execute Documents. The City Manager be and is hereby authorized, on behalf of Frisco, to execute all documents necessary to acquire, by purchase or condemnation, the parcel needed for the Project.

SECTION 7: Disposal of Improvements. The City Manager is hereby authorized to sell such surplus improvements, if any, located on the right-of-way acquired in connection with this Project, should they interfere with use and enjoyment of the right-of-way.

SECTION 8: Source of Funds. The amount to be paid, if any, for acquiring the right-of-way for the Project will be appropriated from the 2007 General Obligation Bonds (300-40-41-79105).

SECTION 9: Condemnation Authorized. Should the City Manager be unable to acquire the right-of-way by purchasing same, the City Manager is authorized to instruct the law firm of Abernathy, Roeder, Boyd, & Joplin, P.C. to commence condemnation proceedings for the acquisition of the right-of-way for the Project.

SECTION 10: This Resolution shall take effect immediately from and after its passage.

**RESOLVED THIS** the \_\_\_\_ day of \_\_\_\_\_, 2008.

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Maher Maso, Mayor

**ATTEST TO:**

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Ron Patterson, Interim City Secretary

**EXHIBITS “A and B”  
2 Total Pages**

**EXHIBIT "A"**  
**Right-of-Way Acquisition**  
**Blackmon Ranch, LTD.**  
**(EP-1R)**

BEING a 1.8253 acre tract of land situated in the I.J. LEEPER SURVEY, ABSTRACT No. 528 in Collin County, Texas, and being part of a 86.704 acre tract of land as described in a deed to **Blackmon Ranch, LTD.** recorded in Volume 4571, Page 3108 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a point for corner on the northeast corner of said Blackmon Ranch, LTD. 86.704 acre tract of land with said point also being on the northwest corner of the Shaddock Developers, LTD. (Villages of Stonelake Estates Phase I) 114.9146 acre tract of land recorded as County Clerk No. 2008-0208000155730 of the Deed Records of Collin County, Texas (D.R.C.C.T.); said point also being on the existing south right-of-way line of Eldorado Parkway and the common line of the I.J. Leeper Survey, Abstract No. 528 and the A.S. Young Survey, Abstract No. 1037;

THENCE South 00°16'56" East departing the existing south right-of-way line of Eldorado Parkway and the common line of said I.J. Leeper Survey, Abstract No. 528 and said A.S. Young Survey, Abstract No. 1037 following along the common property line of said Blackmon Ranch, LTD. acre tract of land and said Shaddock Developers, LTD. (Villages of Stonelake Estates Phase I) for a distance of 60.00 feet to a point for corner;

THENCE South 89°27'39" West departing the common property line of said Blackmon Ranch, LTD. tract of land and said Shaddock Developers, LTD. (Villages of Stonelake Estates Phase I) for a distance of 923.97 feet to a point for corner;

THENCE South 85°38'48" West for a distance of 150.33 feet to a point for corner;

THENCE South 89°27'39" West for a distance of 175.00 feet to a point for corner;

THENCE South 44°27'25" West for a distance of 35.35 feet to a point for corner; said point being on the existing east right-of-way line of Independence Parkway;

THENCE North 00°32'48" West along the existing east right-of-way line of said Independence Parkway for a distance of 95.00 feet to a point for corner; said point being on the existing south right-of-way line of Eldorado Parkway and being on the north property line of said Blackmon Ranch, LTD tract of land with said point also being on the common line of said I.J. Leeper Survey, Abstract No. 528 and said A.S. Young Survey, Abstract No. 1037;

THENCE North 89°27'39" East along the existing south right-of-way line of Eldorado Parkway and the north property line of said Blackmon Ranch, LTD tract of land and also following along the common line of said I.J. Leeper Survey, Abstract No. 528 and said A.S. Young Survey, Abstract No. 1037 for a distance of 1,274.24 feet to the POINT OF BEGINNING, and containing 1.8253 acres of land, more or less.

The Basis of Bearing is State Plane NAD '83, North Central Texas Zone.



**EXHIBIT "B"**  
**RIGHT-OF-WAY ACQUISITION**  
 BLACKMON RANCH, LTD.  
 (EP~1R)

59.4550 ACRES  
 CITY OF FRISCO  
 PARK LAND  
 VOLUME 4559, PAGE 1379  
 D.R.C.C.T.

172.2490 ACRES  
 INDEPENDENCE PARTNERS, LTD.  
 VOLUME 4804, PAGE 1472  
 D.R.C.C.T.

J.T. JOHNSON SURVEY  
 ABSTRACT No. 490

1.00 ACRE  
 MARK RAGON  
 C.C. No. 95-0011273  
 D.R.C.C.T.

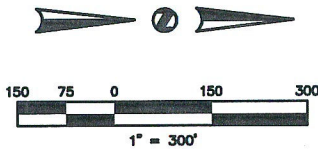
A.S. YOUNG SURVEY  
 ABSTRACT No. 1037

EAST LINE OF THE J.T. JOHNSON SURVEY  
 WEST LINE OF THE I.J. LEEPER SURVEY

1.00 ACRE  
 BLACKMON RANCH, LTD.  
 VOL. 4571, PG. 3108, D.R.C.C.T.

S 44°27'25" W 35.35'  
 S 89°27'39" W 175.00'  
 S 85°38'48" W 150.33'

TRACT 1 AREA (EP~1R) =  
 1.8253 ACRES



I.J. LEEPER SURVEY  
 ABSTRACT No. 528

86.704 ACRES  
 BLACKMON RANCH, LTD.  
 VOL. 4571, PG. 3108  
 D.R.C.C.T.

I.J. LEEPER SURVEY  
 ABSTRACT No. 528

(VILLAGES OF STONELAKE ESTATES PHASE I)  
 114.9146 ACRES  
 SHADDOCK DEVELOPERS, LTD.  
 C.C. No. 2008-0208000155730  
 D.R.C.C.T.

EAST PROPERTY LINE OF  
 BLACKMON RANCH, LTD. TRACT  
 WEST PROPERTY LINE OF  
 SHADDOCK DEVELOPERS, LTD.

NORTH LINE OF THE I.J. LEEPER SURVEY &  
 NORTH PROPERTY LINE OF BLACKMON RANCH, LTD.

ELDORADO PARKWAY

INDEPENDENCE PARKWAY

EXISTING CITY OF FRISCO R.O.W.  
 0.3389 ACRE  
 CITY OF FRISCO  
 VOL. 5583, PG. 2480  
 D.R.C.C.T.

9.9983 ACRES  
 WHITEHEAD-SMITH  
 INVESTMENTS, LTD.  
 C.C. No. 95-0047188  
 D.R.C.C.T.

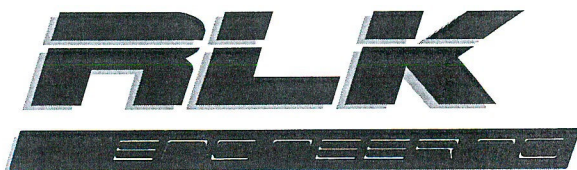
A.S. YOUNG SURVEY  
 ABSTRACT No. 1037

(ELDORADO CROSSING)  
 29.0050 ACRES  
 SHADDOCK DEVELOPERS, LTD.  
 VOL. 4922, PG. 1250  
 D.R.C.C.T.

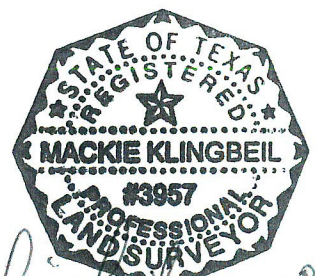
POB

S 00°16'56" E 60.00'

The Basis of Bearing is State Plane  
 NAD '83, North Central Texas Zone.



RLK ENGINEERING, INC.  
 6136 Frisco Square Blvd., Suite 325  
 Frisco, Texas 75034  
 (214) 619-1733 Off  
 (214) 619-1833 Fax



PROJECT: Eldorado/Independence Parkways  
 Intersection Improvement/Widening

DATE:  
 March 10, 2008

DRAWN BY:  
 JDS

CAD ID:  
 EP-1R Exhibit.dwg

SCALE:  
 1"=300'

CHECKED BY:  
 CAP

*Mackie Klingbeil* 3-10-08